

15866 U.S. PTO



032604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11669.192USC1			G. NICKOL	1642

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322883133US

Date of Deposit: March 26, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Teresa Anderson

2387 U.S. PTO
10/811080

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/684,458, filed on October 5, 2000 entitled NOVEL POLYPEPTIDES, THEIR NUCLEIC ACIDS, AND METHODS FOR THEIR USE IN ANGIOGENESIS AND VASCULARIZATION by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	GERRITSEN	MARY	E.
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Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	GRIMALDI	J.	CHRISTOPHER
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Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	MEHRABAN	FUAD	
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	TRUMBULL	CONNECTICUT	USA
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	6095 MAIN STREET	TRUMBULL	CONNECTICUT 06611/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 150 pages of specification, 112 claims, 1 page of abstract, 8 pages of oath or declaration, and 1 page of Associate Power of Attorney filed in parent application Serial No. 09/684,458, filed October 5, 2000.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 1-23 and 25-112 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS:				
1 -20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS				
1 -3	0	x	\$86.00	0.00
			BASIC FILING FEE:	\$770.00
			TOTAL FILING FEE:	\$770.00

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
 - ☐ Attached is a check in the amount of
 - ☐ Please charge Deposit Account No. 13-2725.
 - ☒ **PAYMENT OF THE FILING FEE IS BEING DEFERRED.**
5. ☐ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line of the first page the paragraph:

"This application is a continuation of application Serial No. 09/684,458, filed October 5, 2000, which claims priority from provisional application Serial No. 60/158,587, filed October 7, 1999 and provisional application Serial No. 60/162,611, filed October 28, 1999, which applications are incorporated herein by reference."
7. ☐ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .

9. ☒ The prior application is assigned of record to Genentech, Inc. located at South San Francisco, California and Curagen Corporation located at New Haven, Connecticut (Reel/Frame 012100/0353).
10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.
Minneapolis, MN 55402-0903
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.
12. ☒ A petition and fee has been filed to extend the term in the prior application until March 26, 2004. A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Application Data Sheet
16. ☒ Address all future communications to the **Attention of Denise M. Kettelberger** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.


Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

23552

PATENT TRADEMARK OFFICE

Date: 25 March 2004


Denise M. Kettelberger
Reg. No. 33,924
DKettelberger:EED:PLSkaw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GERRITSEN ET AL. Examiner: G. NICKOL
Serial No.: 09/684,458 Group Art Unit: 1642
Filed: OCTOBER 5, 2000 Docket No.: 11669.192US01
Title: NOVEL POLYPEPTIDES, THEIR NUCLEIC ACIDS, AND METHODS
FOR THEIR USE IN ANGIOGENESIS AND VASCULARIZATION

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on March 25, 2004.

By: 

Name: Michele J. Quaranta

PETITION FOR EXTENSION OF TIME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a four-month extension of time be granted in which to respond to the outstanding Notice of Appeal mailed September 26, 2003, said period of response being extended from November 26, 2003 to March 26, 2004.

Please charge Deposit Account No. 13-2725 in the amount of \$1,480.00 to cover the required extension fee for a large entity.

23552

PATENT TRADEMARK OFFICE

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 25 March 2004

Denise M. Kettelberger
Reg. No. 33,924
KMK:EED:PSTkaw